REMARKS/ARGUMENTS

This Amendment is response to the Office Action dated March 22, 2007. In that Office Action: (1) Claims 75 and 76 were objected to because Claim 75 has an apparent typographical error and Claim 76 appears to recite two statutory classes of invention; (2) Claims 65-70, 72-79, and 81-83 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0140021 to Ryan et al. ("*Ryan*"); (3) Claim 71 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ryan*; and (4) Claim 80 has been rejected under 35 U.S.C § 103(a) as being unpatentable over *Ryan* in view of U.S. Patent No. 6,073,062 to Hoshino ("*Hoshino*"). Each of the above are addressed below. For the Examiner's reference, Claims 1-64 were previously cancelled, Claims 65-83 were pending, and Applicant has added new Claims 84-86. Following the amendments, Claims 65-86 remain pending in the application.

Claim Objections

In the Office Action, the Examiner has objected to Claim 75 for an apparent typographical error. In response, and per the recommendation of the Examiner, Applicant has amended Claim 75 to correct the typographical error therein. Additionally, the Examiner has objected to Claim 76 for reciting two different statutory classes of invention. In response, Applicant has amended Claim 76 to recite no more than a method claim and has removed any recitations of an apparatus claim.

Claim Rejections – 35 U.S.C. § 102

The Examiner has rejected Claims 65-70, 72-79, and 81-83 under 35 U.S.C. § 102(e) as being anticipated by the Ryan et al. U.S. Patent Publication No. 2003/0140021 ("*Ryan*").

Independent Claim 65

Independent Claims 65 has been rejected under 35 USC § 102(e) as being anticipated by *Ryan*. Although Applicant does not necessarily agree with the current rejection of Claim 65, in order to facilitate prosecution of the present application, Applicant has amended Claim 65 to further distinguish the claimed invention from the cited prior art. For example, Applicant has amended Claim 65 to specify: (1) "receiving from a remote computer first data … relating to a first management activity;" (2) "displaying said first stored data relating to said first management activity to said supervisor at a first work location of said subordinate;" and (3) "receiving first input data from said supervisor relating to said displayed first stored data;"

Applicant notes that *Ryan* describes a computer assisted process for remotely providing supervision, control, and instruction of a worker while the worker performs directed tasks. (See abstract). Specifically, the process of *Ryan* includes a work module that includes a work support tool that includes specific instructions directing a worker to perform specific tasks and a computer assisted learning (CAL) tool that displays educational and training information to the worker. (See [0025] and [0027]).

In contrast, Claim 1 provides a method of recording and evaluating a subordinate's work and facilitating management activities related to the subordinate's work by a supervisor using a portable computer. Thus, Claim 1 is concerned with providing a method for use by a supervisor as opposed to Ryan, which is concerned with providing a process for a worker.

For example, an embodiment of Claim 1 receives data related to a first management activity from a remote compute and displays the data relating to the first management activity to a supervisor at the subordinate's work location. The supervisor can observer the subordinate's performance in relation to the first management activity and the embodiment of Claim 1 receives first input data from the supervisor relating to the displayed first stored data. These steps are further carried out in similar fashion for the second, third, and fourth data received from the

remote computer. *Ryan*, on the other hand, receives instructions for a task and directs the worker to perform the tasks. (See [0049]).

Applicant notes that though a supervisor may utilize the work module of *Ryan* in order to evaluate the tasks performed by a worker or perform the tasks that the worker is required to perform. (See [0042]). The work module only allows the supervisor to retrieve activity data stored in the monitoring tool and determine whether all the tasks were complete. (*Id.*). In contrast, Claim 1 displays stored data from the remote computer relating to management activities to the supervisor at a work location of the subordinate.

In light of the above, the Applicant respectfully asserts that *Ryan* fails to teach or suggest "[a] method of recording and evaluating a subordinate's work and facilitating management activities related to said subordinate's work by a supervisor using a portable computer, comprising: ... receiving from a remote computer first stored data relating to a first management activity ... displaying said first stored data relating to said first management activity to said supervisor at a first work location of said subordinate" and "receiving first input data from said supervisor relating to said displayed first stored data," as recited by independent Claims 65. In addition, the same argument can be made in regard to second, third, and fourth stored data. Accordingly, the Applicant respectfully requests the Examiner withdraw the rejection of independent Claims 65.

Independent Claim 75

Independent Claim 75 has been rejected under 35 USC § 102(e) as being anticipated by *Ryan*. Independent Claim 75 recites "[a] method of recording and evaluating a subordinate's work and facilitating management activities relating to a subordinate's work by a supervisor using a portable computer, comprising: ... receiving from a remote computer first stored data relating to a first management activity ... displaying said first stored data relating to said first management activity to said supervisor at a first work location of said subordinate" and "receiving first input data from said supervisor relating to said displayed first stored data." Thus, for reasons similar to those explained above in regard to Claim 65, Applicant respectfully asserts that *Ryan* fails to teach or suggest these steps, in addition to the similar steps in regard to second,

third, and fourth stored data. Accordingly, Applicant requests that the current rejection of this claim be withdrawn.

Independent Claim 77

Independent Claim 77 has been rejected under 35 USC § 102(e) as being anticipated by *Ryan*. Applicant respectfully submits that *Ryan* fails to teach or suggest each and every element of Claim 77. For example, the Applicant respectfully asserts that *Ryan* does not disclose a portable device comprising "a processor … configured to: … display on said portable device a first screen associated with a first job element, said first screen displaying a plurality of job methods related to said first job element."

As discussed above, Ryan describes a computer assisted process for remotely providing supervision, control, and instruction of a worker while the worker performs directed tasks. (See abstract). On page 4 of the Office Action, the Examiner has asserted that *Ryan* teaches a portable device including "storage on the portable device (PDA) job methods for job elements of predetermined practices (see from ¶[0025])." In *Ryan*, a computer assisted learning tool is discussed that displays educational and training information to the user on a conventional output or display device. (See [0025]). This information describes to the user the "what," "when," "where," "how," and "why" concerning the directed tasks that must be performed to complete a work project. (*Id.*) In addition, *Ryan* discloses a work support tool that includes specific instructions directing the user to perform specific tasks. (See [0027]). Specifically, the tool schedules worker tasks, and "leads the worker through the tasks one by one and instructs the worker to take the proper steps to record activities." (*Id.*)

In contrast, the portable device of Claim 77 displays a job element, or task, and a plurality of job methods related to the job element. In various embodiments, job methods are associated with practices the subordinate should adhere to while engaged in that element. (See [0037] of the application). Therefore, a job element may have associated with it a number of practices. For example, in various embodiments, practices relating to production, safety, sales, and services. (See [0038] of the application). In contrast, *Ryan* does not disclose such a feature with a plurality of methods. The device of *Ryan* simply provides a tool that "leads the worker

through the tasks one by one and instructs the worker to take the proper steps to record activities." (See [0027]).

Thus, the Applicant respectfully asserts that *Ryan* fails to teach or suggest a portable device comprising "a processor … configured to: … display on said portable device a first screen associated with a first job element, said first screen displaying a plurality of job methods related to said first job element," as recited by independent Claim 77. Accordingly, the Applicant respectfully requests the Examiner withdraw the rejection of independent Claim 77.

Independent Claim 81

Independent Claim 81 has been rejected under 35 USC § 102(e) as being anticipated by *Ryan*. Independent Claim 81 recites "displaying on said portable computer a first screen associated with a first job element relating to said subordinate's first work location" and "displaying on said portable computer a second screen associated with a second job element relating to said subordinate's second work location." In addition, independent Claim 81 recites "said first screen displaying a plurality of job methods associated with said first job element" and "said second screen displaying a plurality of job methods associated with said second job element." Thus, for reasons similar to those explained above in regard to Claims 65 and 77, Applicant respectfully asserts that *Ryan* fails to teach or suggest these steps and, accordingly, requests that the current rejection of this claim be withdrawn.

Dependent Claims 66-70, 72-74, 76, 78-79, and 82-83

Claims 66-70 and 72-74 depend from independent Claim 65 and therefore include all the limitations of Claim 65 plus additional limitations that further define the invention over the prior art. Claim 76 depends from independent Claim 75 and therefore include all the limitations of Claim 75 plus additional limitations that further define the invention over the prior art. Claims 78-79 depend from independent Claim 77 and therefore include all the limitations of Claim 77 plus additional limitations that further define the invention over the prior art. Claims 82-83 depend from independent Claim 81 and therefore include all the limitations of Claim 81 plus additional limitations that further define the invention over the prior art. Accordingly, for at least

the reasons set forth above in regard to independent Claims 65, 75, 77, and 81, Applicant respectfully asserts that these claims are also in condition for allowance.

Claim Rejections 35 U.S.C. § 103

The Examiner has rejected Claim 71 under 35 U.S.C. § 103(a) as being unpatentable over *Ryan*. In addition, Claim 80 has been rejected under 35 U.S.C § 103(a) as being unpatentable over *Ryan* in view of the Hoshino U.S. Patent No. 6,073,062 ("*Hoshino*").

Dependent Claims 71 and 80

Claim 71 depends from independent Claim 65 and therefore include all the limitations of Claim 65 plus additional limitations that further define the invention over the prior art. Claim 80 depends from independent Claim 77 and therefore include all the limitations of Claim 77 plus additional limitations that further define the invention over the prior art. Accordingly, for at least the reasons set forth above in regard to independent Claims 77 and 81, Applicant respectfully asserts that these claims are also in condition for allowance.

CONCLUSION

The foregoing is submitted as a full and complete response to the final Office Action mailed March 22, 2007. The foregoing amendments to the claims, when taken in conjunction with the appended remarks, are believed to have placed the present application in condition for allowance, and such action is respectfully requested. The Examiner is encouraged to contact Applicant's undersigned attorney at (404) 881-7640 or e-mail at chris.haggerty@alston.com to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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